

PART-TIME WORKERS

Part-time workers are in general entitled to be treated equally to full-time workers. This includes terms and conditions of employment (such as pay and holidays on a pro-rata basis) and how you are treated at work (such as dismissals and redundancy). There are of course the usual legal loopholes and many part-timers doing jobs only done by part-timers (such as cleaning jobs) will not fall within the protection of the Regulations.

If you feel that you have been treated less favourably than a comparable full-timer who also works there, you can request a written statement of reasons from your employer as to why this situation exists. The employer must respond within 21 days. If you are not satisfied with the response, a claim can be lodged with an Employment Tribunal within three months minus one day of the act complained about.

TIME OFF FOR DEPENDANTS

Employees have the legal right to take time off for "urgent family reasons". The right allows an employee to take a reasonable amount of time off work in order to take action which is necessary:

- To provide assistance when a dependant falls ill, gives birth or is injured.

- To make arrangements for the provision of care for a dependant who is ill or injured.
- In consequence of the death of a dependant.
- Because of the unexpected disruption or termination of care for the dependant.
- To deal with an incident involving a child of the employee occurring unexpectedly at an educational establishment which the child attends.

DEFINITION OF DEPENDANT

A dependant is defined as a spouse, child, parent or person living in the same household (though not an employee, tenant or lodger). It also includes anyone who reasonably relies on the employee for assistance if they fall ill or for the provision of arrangements for care.

There is no definition as to what a 'reasonable amount of time off' means. However, it is important that the employee tells their employer as soon as they can of the reason for the absence and how long they expect to be absent. Should your employer bring disciplinary action against you for having had necessary time off to deal with an urgent family incident, please do discuss immediately with your union representative.



KNOW YOUR RIGHTS

PART-TIME, FLEXIBLE WORKING AND CARER RESPONSIBILITIES

This leaflet provides the basic legal provisions regarding part-time workers, carers, and flexible working requests. Always refer to your own contract and terms and conditions of employment to find out what your employer provides. Should you have any workplace concerns contact your union representative immediately or call the RMT Helpline. Remember: there is a strict deadline for Employment Tribunals of 3 months minus one day for most claims.

RMT Helpline 0800 376 3706
info@rmt.org.uk
www.rmt.org.uk

PARENTAL LEAVE

Besides maternity and paternity provisions which must meet the statutory minimum and should be detailed in your terms and conditions, employees are also entitled to unpaid parental leave of up to four months for each parent and in relation to each child; and unpaid parental leave of up to 18 weeks for each parent and in relation to each disabled child.

The right to parental leave only applies to parents of children aged under five, unless the child receives disability living allowance in which case the right continues until the age of 18.

To qualify, employees need one year's continuous service. The leave must be taken for the purpose of caring for the child and parents cannot take more than four weeks leave per child per year.

There are equivalent provisions that apply to adoptive parents, allowing leave to be taken within the five-year period following adoption and up to the age of 18 for a child who receives disability living allowance.

The Regulations encourage employers and employees and their trade unions to negotiate collective or workforce agreements dealing with the mechanics of parental leave, such as notice requirements and how leave will be taken. Where no such agreement is negotiated, then a model scheme, set out in the Regulations, will apply.

The model scheme states that leave should be taken in blocks of no less than one week, and no more than four weeks in one year. Parents must give a minimum of 21 days' notice prior to the proposed parental leave, with the exception of fathers who want to take leave straight after the baby is born, in which case they have to give 21 days notice prior to the expected week of childbirth.

If an employee takes less than four weeks off, they have the right to return to their old job. However if they take more than four weeks, their entitlement to have their job back is similar to the situation that applies to a woman returning from Additional Maternity Leave (AML); that is, an employee is entitled to return to her old job after AML, or, if that is not reasonably practicable, to another job which is suitable for her and appropriate for her in the circumstances. The terms and conditions must be no less favourable than if she had not been absent, with seniority rights preserved as they were at the start of her AML period.

FLEXIBLE WORKING

The purpose of applying for flexible working must be to care for someone, such as a child aged 16 or under (18 in the case of a disabled child) or a dependant adult.

Flexible working arrangements can be requested by employees who have worked continuously for 26 weeks. The request must be made in writing and specify the change proposed, what effect the employee thinks the change might have on the employer and how this might be dealt with, and must explain the relationship between the employee and the person they need to care for. The employer must meet the employee within 28 days of the written request to discuss the application and provide a written decision within 14 days after the meeting. Refusals can be made on a number of specific grounds such as the burden of additional costs.

The main problem with flexible working provision is that there is a right to ask, but no right to have. The grounds on which a Tribunal claim can be made are very limited and difficult to run, for example claiming sex discrimination. If your application for flexible working has been turned down, do discuss this with your union representative immediately.